

SEP 10 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KORAN MCKINLEY ALLEN,

Defendant - Appellant.

No. 06-50380

D.C. No. CR-02-00904-DSF-4

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted September 8, 2008^{**}

Before: TASHIMA, SILVERMAN and N.R. SMITH, Circuit Judges.

Koran McKinley Allen appeals from the 319-month sentence imposed upon remand following his jury-trial conviction for conspiracy, in violation of 18

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 371, armed bank robbery, in violation of 18 U.S.C. § 2113(a), (d), and use of a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Allen's counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. Appellant has filed a pro se supplemental brief, the government has filed an answering brief, and appellant has filed a reply.

Our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 80-81 (1988), discloses no arguable grounds for relief on direct appeal.

Accordingly, counsel's motion to withdraw is **GRANTED**, and the district court's judgment is **AFFIRMED**.